IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:19-CV-17-FL

ELIAKIN JOHENKINS,)	
Plaintiff,)	
v.)	ORDER
THE STATE OF NEW JERSEY,)	
Defendant.)	

This matter is before the court upon review of plaintiffs' pro se complaint pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Kimberly A. Swank entered a memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended that the court dismiss plaintiff's claims for failure to state a claim and lack of subject matter jurisdiction. Plaintiff did not file objections to the M&R, and the time within which to make any objection has expired. In this posture, the matter is ripe for ruling.

Upon review of the M&R, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. <u>Diamond v. Colonial Life</u> & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); <u>Camby v. Davis</u>, 718 F.2d 198, 200 (4th Cir. 1983).

Here, the magistrate judge recommends dismissal of plaintiff's constitutional and treaty

based claims due to lack of enforceable legal basis for such claims. In addition, the magistrate judge

recommends dismissal of plaintiff's claims for damages and restitution for child support payments

made to defendant due to lack of subject matter jurisdiction. Finally, the magistrate judge

recommends dismissal of the claim under the Federal Debt Collection Protection Act for failure to

state a claim.

Upon careful review of the M&R and the record in this case, the court finds the magistrate

judge's analysis to be thorough, and there is no clear error. The court hereby ADOPTS the

recommendation of the magistrate judge as its own, and, for the reasons stated therein, plaintiffs'

complaint is DISMISSED. The clerk of court is directed to close the case.

SO ORDERED, this the 11th day of September, 2019.

LOUISE W. FLANAGAN

United States District Judge